

# **DNREC, Mountaire Farms of Delaware, Inc. enter into agreements on violations at Mountaire poultry processing facilities**

**DOVER** – The Department of Natural Resources and Environmental Control signed an agreement with Mountaire Farms of Delaware, Inc. Dec. 13 to resolve spray irrigation and land application permit violations cited by DNREC in a Nov. 2, 2017 Notice of Violation (NOV). DNREC first took action against Mountaire for these violations via the filing of a complaint in Delaware Superior Court against Mountaire in June 2018. The complaint was stayed by Superior Court pending resolution of a parallel action in Federal Court. To formalize ongoing and required corrective actions resulting from the September 2017 wastewater treatment plan failure, DNREC and Mountaire have finalized an agreement based on the consent decree proposed in June 2018.

The agreement includes three major components – mitigation, environmentally-beneficial offset, and an administrative penalty and costs. Mountaire is required to mitigate damage to the environment through short-term and long-term corrective measures. In the short term, Mountaire must continue the interim corrective measures required by DNREC that have been ongoing since October 2017. Mountaire must also make long-term system upgrades to the plant, including the requirement for environmental mitigation through the relocation of Mountaire's production wells within the spray fields to establish a pump and treat system.

By way of an environmentally-beneficial offset, the agreement

with DNREC requires Mountaire to offer nearby residents options for an alternative water supply, meaning an option for a whole-house filtration system in addition to the public water supply and deeper well provisions of the earlier consent decree. The agreement also requires Mountaire to pay an administrative civil penalty of \$600,000 for violations of its spray and land application permits, and to reimburse the Department \$25,000 for expenses incurred during the Department's investigation. In consideration of the environmentally-beneficial offset, the Department will reduce Mountaire's penalty by 30 percent to \$420,000.

The agreement updates the consent decree by including more specificity concerning reporting requirements; adding the whole-house filtration option as an alternative water supply; requiring more specificity on tracking and reporting of mitigation efforts; and clarifying mitigation goals, including that Mountaire's pump and treat system will be maintained as a permanent part of the facility upgrade. The agreement became effective when it was executed on Friday, Dec. 13, but DNREC will request the agreement be entered by the Federal Court as a consent decree, and that, once entered, the Court will have immediate jurisdiction to oversee and enforce the agreement.

In addition to formalizing an agreement with Mountaire regarding the 2017 violations, DNREC and Mountaire also entered into a conciliatory agreement to address unresolved violations at Mountaire's Selbyville facility, as well as other violations at the Millsboro facility not directly related to the 2017 wastewater treatment facility failure. Issues addressed via the conciliatory agreement include unauthorized discharges of pollutants from live-hold areas at the Selbyville and Millsboro facilities; an unauthorized release of partially treated wastewater effluent to ground surface at the Millsboro facility due to an equipment weld failure; and temporary sludge storage lagoon issues that include synthetic liner concerns and elevated ammonia levels

noted in monitoring wells surrounding the temporary sludge storage lagoon at the Millsboro facility. The conciliatory agreement requires corrective actions and mitigation measures to prevent future violations and includes administrative and stipulated penalties.

As a condition of the conciliatory agreement, Mountaire is required to pay an administrative penalty in the amount of \$230,000. Mountaire is able to offset up to \$115,000 of the assessed administrative penalty by performing a wetlands restoration and/or enhancement project on the Indian River or on Swan Creek with Department approval. Both agreements referenced above can be found on the DNREC website at [dnrec.alpha.delaware.gov/secretarys-orders/enforcement/](https://dnrec.alpha.delaware.gov/secretarys-orders/enforcement/).

**Media contact:** Michael Globetti, DNREC Public Affairs, 302-739-9902

**-End-**